

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

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THOMAS A. JOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. JACKSON

FEDERAL DEPOSIT INSURANCE)
CORPORATION, As Receiver for the)
BANK OF ALAMO,)

Plaintiff,)

VS.)

No. 04-1028-T/An

PEGGY S. HOOPER,)

Defendant.)

ORDER DIRECTING ENTRY OF JUDGMENT

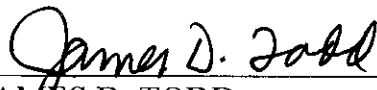
On September 12, 2005, the Court issued an order granting the Federal Deposit Insurance Corporation's ("FDIC") motion for summary judgment in this action filed against Peggy S. Hooper to recover the \$1,254,000.00 deficiency remaining following her default on a promissory note and a subsequent foreclosure sale. The FDIC also indicated that it was seeking interest, costs and reasonable attorney fees incurred in collecting the debt, as provided for in the promissory note; therefore, the Court allowed the FDIC to submit additional evidence regarding the specific amount of interest, costs and attorney fees incurred.

On October 3, 2005, the FDIC filed the declaration of Margaret M. Chesney, an associate with the law firm of Wyatt, Tarrant & Combs, LLP, which represented the FDIC


in this matter. Ms. Chesney states in her declaration that the FDIC incurred \$26,750.05 in legal fees and \$480.54 in other expenses that cannot be taxed as costs under Fed. R. Civ. P. 54(d)(1) and 28 U.S.C. § 1920.¹ The FDIC has offered no evidence regarding the amount of interest accrued on the \$1,254,000.00 deficiency.

Although the defendant was given an opportunity to do so, she has filed no objection to Ms. Chesney's declaration. Therefore, the Court finds that the FDIC reasonably incurred legal fees and expenses in the amount of \$27,230.59. Accordingly, the Clerk of Court is directed to prepare a judgment in favor of the Federal Deposit Insurance Corporation as Receiver for the Bank of Alamo against Peggy S. Hooper in the amount of the deficiency, \$1,254,000.00, plus \$27,230.59 in legal fees and expenses, for a total judgment of \$1,281,230.59.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



DATE

¹ In addition to Ms. Chesney's Declaration, the FDIC also filed a Bill of Costs pursuant to Rule 54(d)(1). A cost hearing is scheduled to be held before the Clerk of Court on November 29, 2005.



Notice of Distribution

This notice confirms a copy of the document docketed as number 62 in case 1:04-CV-01028 was distributed by fax, mail, or direct printing on November 14, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT